

REMARKS

Claims 1, 3-15, 17-19, 21-23, 25-34 and 36-37 are pending in the application and stand rejected. Reconsideration of the claim rejections is respectfully requested based on the above amendments and following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1, 23 and 34 stand rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth on page 2 of the Final Office Action. Applicant respectfully disagrees with the rejections.

The Examiner's confusion as to the claim term "an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source" appears to be unreasonable in view of the clear claim language and support in applicant's specification. It should be clear that audio data contains only audio data and that multimedia data can contain various types of mixed data including audio, video, etc. Applicant respectfully directs the Examiner to review the disclosure in Applicants' specification, e.g., page 41, line 14 through page 43, line 21, which provides clear support for the allegedly ambiguous claim language.

Moreover, the claimed language of "a multimedia database for storing the indexed audio and multimedia data" is clear on its face, and should not require clarification. Indeed, in other terms, this claim language unambiguously means that indexed audio data and indexed multimedia data is stored in a multimedia database.

Furthermore, with regard to the claim language "wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments

in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber, “ Applicant believes that this claim language is perfectly clear. However, Applicant directs the Examiner’s attention to pages 43-54 of Applicant’s specification. By way of example, page 46, line 8 through page 47, line 12 specifically reads:

In this manner, a user can connect with the conversational portal and issue a query to directly search the database 31 and retrieve one or more pre-indexed multi-media segments having desired content (in lieu of or in addition to a search over the network). The user can compose a broadcast program wherein the user may specify the order in which the different segments are played back/broadcasted and, for example, listen to the program on a cell phone or other connected device.

Furthermore, by periodically downloading and indexing multi-media documents and/or streaming data, the conversational portal 11 can provide a service of composing a personalized “listening and watching” program for a subscribing user based on user preferences (e.g., pre-selected topics or type of broadcast/documents/list of interest). The user may also compose a menu of what the user will listen to. Upon connecting to the conversational portal 11, the user can access the personalized program and playback desired content in any prespecified order. By way of example, a subscribing user may generate a personalized radio on demand program which the user can access over a wireless phone connected to the conversational portal 11. In addition, it is to be appreciated that during subsequent searches, the subscribing user may add to his/her personalized program any additional multi-media segments that are presented to the user in a search result list. At anytime during the program, the user can use the portal conversational browser commands to interrupt, pause or modify the program.

Moreover, the 112 claim rejections are seemingly untimely and should have been raised earlier. For instance, claim 1 was amended to include canceled claims 16 (which depended from claim 1) and 20 (which depended from claim 16). If the Examiner was confused as to the scope of the claimed limitations of claims 16 and 20, these issues should have been raised earlier, and not the first time in this Final Office Action. Accordingly, Applicant requests that the Finality of the Office Action be withdrawn, and allow Applicants to make claim amendments, if necessary,

that would obviate the Examiner's confusion. Alternatively, withdrawal of the 112 rejections is requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3-15, 17-19, 21-23, 25-34 and 36-37 stand rejected as being unpatentable over U.S. Patent No. 6,501,832 to Saylor et al. in view of U.S. Patent No. 6,859,776 to Cohen and further in view of U.S. Patent No. 5,614,940 to Cobbley, et al. Applicant contends that claims 1, 23 and 34 are patentable and non-obvious over the combination of Saylor and Cohen and Cobbley. Applicant contends that the obviousness rejections are based on the Examiner's misplaced reliance and misinterpretation of Cohen and Saylor as applied to the inventions of claims 1, 23 and 34. For instance, neither Cohen nor Saylor remotely discloses or suggests a conversational portal having a *conversational browser that can serve or present a retrieved page to an access device in at least one format that is compatible with one or more modalities supported by the access device, wherein the at least one format comprises a multi-modal format that can be rendered in two or more synchronized modalities*. Both Cohen and Saylor are clearly directed to systems that include voice browsers to support voice/audio dialog interaction.

In this regard, the Examiner's characterization of Saylor and/or Cohen as disclosing the claimed conversational browsing system and multi-modal browsing functionality is seemingly based on a strained and erroneous interpretation of the reference teachings in an effort to fit to the claim language. In fact, the obviousness rejection of claim 1, for example, as set forth on page 3 of the Final Action, fails to explain how the references teach conversational browser that can serve or present a retrieved page having a *multi-modal format that can be rendered in two or more synchronized modalities* by an access device.

The Examiner cites Cobbley in an effort to establish the claimed features regarding indexing and segmenting data and providing broadcast on demand services, as essentially recited in claims 1, 23 and 34. Notwithstanding, the validity of Examiner's characterization of Cobbley in this regard, it is clear that Cobbley does not cure the deficiencies of Saylor and Cohen as noted above.

For at least the above reasons, claims 1, 23 and 34 are patentable and non-obvious over Saylor and Cohen and Cobbley. Furthermore, all pending claims that depend from claims 1, 23 and 34 are believed to be patentable over the cited combination at least by virtue of their dependence from respective base claims 1, 23 and 34. Accordingly, withdrawal of the claim rejections is requested.

Respectfully submitted,



Frank V. DeRosa

Registration No. 43,584

Mailing Address:

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL (516) 692-8888
FAX (516) 692-8889